

# UNE Delegations Framework Rule

## Section 1 - Overview and scope

- (1) The [UNE Delegations Framework Rule](#) and associated schedules outline the delegations functions within the University.
- (2) This Rule should be read in conjunction with the overarching [Governance Integrity and Standards Principles Policy](#).
- (3) Within this Rule:
- Part A outlines delegations principles;
  - Part B outlines how changes are made to delegations and the Delegations Schedules;
  - Part C outlines the matters on which authority is retained by Council; and
  - Part D outlines the authority for UNE delegations.

### Part A - Delegation principles

- (4) There are three (3) delegation principles

Principle 1 - Functional and financial delegations are only to be exercised by a delegated UNE Representative or committee/body.	<p>When presented with a request for a decision;</p> <ul style="list-style-type: none"> <li>• UNE Representatives should ensure, by reference to policy, the delegations register and schedules, that they are operating within their approved delegation.</li> <li>• a committee or body of the University should refer to the approved terms of reference to confirm they are operating within their delegated authority.</li> </ul>
Principle 2 - The exercise of a function or an approval carries with it responsibilities.	<p>UNE Representatives with delegated functions are required to exercise the responsibilities of the role with care, including as mandatory:</p> <ul style="list-style-type: none"> <li>• exercise due diligence when applying a delegation, including being informed and ensuring that they are not under any undue influence in exercising a delegation;</li> <li>• avoid or manage (with their Supervisor or Head of Cost Centre) any perceived Conflicts of Interest in relation to a delegation;</li> <li>• keep a Record in an approved University records management system of the use of their delegation;</li> <li>• seek advice or help if they have questions about exercising their delegation; and</li> <li>• support clarity of instructions and intent when applying a delegation, through the use of agreed UNE terminology in decision-making (see Definitions section).</li> </ul>

<p>Principle 3 - The exercise of a delegation should be undertaken consistent with delegation protocols</p>	<p>Protocol 1: Delegations are either functional (relating to a function or activity) or financial (e.g. relating to expenditure or income or changes to assets, liabilities or investments).</p> <p>Protocol 2: Delegations are assigned to a position or a body rather than 'belonging' to a person. This means that delegations:</p> <ul style="list-style-type: none"> <li>• can be exercised by a person duly appointed as a temporary or acting occupant of a position or role; and</li> <li>• may be assigned to an authorised employee under supervision who exercises the delegation on behalf of that position.</li> </ul> <p>Protocol 3: Delegations may be advisory or obligatory for example, as:</p> <ul style="list-style-type: none"> <li>• a delegation to a management committee is often advisory, so as not to override the assigned authority for a specific function or matter;</li> <li>• in the case of UNE's governance bodies of Council and Academic Board, the delegation to the body is a shared delegation, where a quorum of members or other specified majority vote is required to enact the delegation.</li> </ul> <p>Protocol 4: Delegations are aligned to UNE's organisational hierarchy (for example, a lower delegation is also held by the position's immediate supervisor).</p> <p>Protocol 5: Delegations may be subject to limits, including for example:</p> <ul style="list-style-type: none"> <li>• a specified level of financial expenditure may be assigned but can be limited by whether there is allocated budget for that expenditure;</li> <li>• a delegation may be 'part of' an approval process rather than an absolute authority (see management committees below); or</li> <li>• by area of responsibility (e.g. a Executive Dean of Faculty (Executive Dean) is limited to exercising their delegation within their Faculty unless specifically authorised).</li> </ul> <p>Protocol 6: A delegation to undertake an action or expenditure will not automatically mean the delegate has the authority to undo or reverse an action or expenditure (reversal of a decision may require higher level approval).</p> <p>Protocol 7: Delegations are considered to be transferred where a position or a body has a change in name only.</p> <p>Protocol 8: Delegations are subject to suspension, where special or temporarily changed circumstances are notified via a direction from the Council or Vice-Chancellor and Chief Executive Officer (VC&amp;CEO). A direction to suspend one or more delegations:</p> <ul style="list-style-type: none"> <li>• can be made at any time, but will be generally be either:</li> <li>• a standing suspension – which comes into force in specific circumstances – such as on the declaration of an emergency situation; or</li> <li>• an application of temporary controls over specific activities (e.g. expenditure/recruitment/travel etc) which are put in place via communications and which are in place to be followed until otherwise revoked.</li> </ul> <p>Protocol 9: Matters where there is no clear authority or delegate are required to be referred to the Council.</p> <p>Protocol 10: the body or position delegating the function or authority retains precedence and authority over the delegation.</p>
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**NOTE: Records of decisions of the University are required to be kept by law. It is also a mandatory**

requirement that all decisions and associated documents and emails be recorded in an approved University records management system.

Delegates who would require help or advice regarding saving records should contact the Records Team via [records@une.edu.au](mailto:records@une.edu.au).

Approved records management systems at UNE include UNE Records Management System (Content Manager/TRIM); HR System (Web Kiosk); Finance System (TechnologyOne/CiA Anywhere); and Student Management System (Callista).

## Part B - Changes to Delegations Schedules

(5) The Delegations Schedules are an online database of UNE positions and bodies who hold delegations at the University. The purpose of the Delegations Schedules is to maintain and provide up to date and accurate information about delegations within the University.

(6) The Council approves changes to the Delegations Schedules. The Council may either:

- a. agree to make changes to the Delegations Schedules, following a review of those schedules; or
- b. make resolutions that have the effect of changing the Delegations Schedules. For example, where Council or committees make a resolution that impacts delegations, the Director Governance and University Secretary (or delegate) is authorised to make a corresponding amendment to the Delegations Schedule(s), for example:
  - i. a Council resolution to change the Senior Executive position titles or structures reporting to the VC&CEO will trigger an action by the Director Governance and University Secretary (or delegate) to update the Delegations Schedules to reflect the agreed new titles from the relevant date of effect; and/or
  - ii. a Council resolution to amend a Council Policy or Terms of Reference (e.g. to the [Vice-Chancellor Functions Rule](#)) where there are changes to delegated functions or authorities, will trigger an action by the Director Governance and University Secretary (or delegate) to update the Delegations Schedules to reflect the changed delegations from the relevant date of effect; or
- c. make resolutions that allow the VC&CEO to make or amend Rules or Policies for specific functions (e.g. to the [Vice-Chancellor Functions Rule](#)). Changes to assigned responsibilities and roles within Vice-Chancellor approved policy instruments will trigger an action by the Director Governance and University Secretary (or delegate) to update the Delegations Schedules to reflect the change.

(7) The Council authorises the Director Governance and University Secretary (or nominee) to make minor administrative changes to Council documents (including Policies and Delegations Schedules). This is limited to amendments that do not change the purpose or intent of a delegation, including for example:

- a. replace references to out-of-date Council committees or other Council bodies or representatives with a reference to the updated body;
- b. replace references to out-of-date position titles with a reference to the updated position title;
- c. replace references to out of date "terms, expressions or glossary items" such as "senior staff" with a reference to the current "term or expression";
- d. add references to new position titles into the Policies or Delegations Schedules, where the new position has been authorised by Director People and Culture and/or VC&CEO;
- e. replace any other out-of-date references or url links with the current terminology;
- f. correct typographical and grammatical errors without changing meaning of the relevant clause or delegation.

(8) The Council has authorised the Director Governance and University Secretary to certify documents that have been approved by Council.

Help:

- To search the Delegations Schedules, navigate to [Delegations Register](#).
- To notify of issues with Delegations Schedules email [delegations@une.edu.au](mailto:delegations@une.edu.au).

## Quality Assurance

(9) A review of the exercise of delegations will be prepared at least annually for the VC&CEO and the Audit and Risk Committee of the Council. The report will consider:

- programs of support for delegates in place;
- evidence of recordkeeping consistent with this Rule;
- consistency of terminology in governance reporting;
- changes to delegations made by the Director Governance and University Secretary either:
  - in response to a Council resolution or decision; or
  - consistent with provisions for minor administrative changes.

## Part C - Authority retained by Council

(10) The matters on which Authority is retained by Council are as follows:

Item	Source of Authority
Elect the Chancellor	<a href="#">UNE Act</a> s.10(1)
Elect the Deputy Chancellor	<a href="#">UNE Act</a> s.11(1)
Appoint the Vice-Chancellor and Chief Executive Officer (VC&CEO)	<a href="#">UNE Act</a> s12(1)
Appoint external persons to Council	<a href="#">UNE Act</a> s.9(1)(c) <a href="#">UNE By-law</a> Clause 6
Remove a member of Council from office for breach of duty	<a href="#">UNE Act</a> , s.21G
Establish a Nominations Committee	<a href="#">UNE By-law</a> , Clause 14
Make a recommendation for the Minister's consideration for ministerial appointments to Council	<a href="#">UNE By-law</a> , Clause 14
Monitor the VC&CEO's performance	<a href="#">UNE Act</a> s.16(1B)(a)
Oversee the University's performance	<a href="#">UNE Act</a> s.16(1B)(b)
Approve significant University commercial activities (within the meaning of s.21A of the <a href="#">UNE Act</a> )	<a href="#">UNE Act</a> s16.(1B)(g)
Approve Industrial Agreements the University proposes entering into.	<a href="#">UNE Act</a> s16(1B)(f)
Establish and maintain branches* and colleges* of the University within the University and elsewhere, noting the VC&CEO can make rules in respect to the establishment of Faculties, schools, departments and other sub organisational units)	<a href="#">UNE Act</a> s.16(1)(h)
Delegation by Council (other than this power of delegation) by resolution	<a href="#">UNE Act</a> s17
Establish <a href="#">Committees of Council</a> , and elect members	<a href="#">UNE Act</a> , Sch1, (4)
Establish Standing Orders	<a href="#">UNE Act</a> , Sch1, (4), (6)

\*branches: meaning campuses, substantial learning hubs/centres.

\*colleges: meaning residential colleges or associated colleges (e.g. of advanced education)

Legislative Matters		
Make by-laws	<a href="#">UNE Act</a> s.28(1)	Requires Governor’s approval
Make, amend or repeal Rules on any matter other than those matters which the Council has consented to the VC&CEO making rules (see <a href="#">Vice-Chancellor Functions Rule</a> )	<a href="#">UNE Act</a> s.29(1)	On recommendation from the VC&CEO, Council Committees of Academic Board
Establish rules, policies and procedural principles for the University consistent with legal requirements and community expectations, except for rules, policies and procedures relating to matters that have been delegated (in which case the rule, policy or procedure making authority is also delegated)	<a href="#">UNE Act</a> s.16 (1B)(h)	
Strategic Planning		
Approve the University's <a href="#">Strategic Plan</a>	Plan is developed by the VC&CEO in consultation with the University community	
Miscellaneous		
Authorise the Chancellor, Deputy Chancellor, VC&CEO or VC&CEO's delegate to act at Graduation Ceremonies	<a href="#">UNE Act</a> s.16(1)(a); s.17	
Authorise Senior Officers of the University to sign under the Seal	<a href="#">UNE Act</a> s.17	
Approve use of the Seal of the University	<a href="#">UNE Act</a> s.27	
Regularly review its own performance	<a href="#">UNE Act</a> s.16(1B)(j)	
Make available a program of induction and development, relevant to the role, for Council members	<a href="#">UNE Act</a> s.16(1B)(k)	
Staffing Matters		
<b>While retaining authority over these matters, Council delegates the specific functions below to the Remuneration Committee of Council in accordance with the <a href="#">Committee’s Terms of Reference</a>. The Remuneration Committee reports to Council on the discharge of the functions assigned to the Committee.</b>		
	<b>Source of authority</b>	
Approve the organisational structure of the Senior Executive of the University (position dimensions but not individual appointments)	<a href="#">Terms of Reference (Council Approved) - Remuneration Committee</a>	
Approve remuneration policy and strategies for University's Senior Management		
Approve the range for salary packages of the Senior Management		
<b>While retaining authority over these matters, Council received advice from the Honorary Degrees Titles and Tributes Committee in accordance with the <a href="#">Committee’s Terms of Reference</a>.</b>		
Award honorary degrees, titles and tributes excluding adjunct, visiting, clinical and associate appointments, the awarding of which are delegated to the VC&CEO	<a href="#">Terms of Reference (Council Approved) - Honorary Degrees, Titles and Tributes Committee</a>	
Property Matters		
<b>While retaining authority over these matters, Council delegates specific functions below to the Finance and Infrastructure Committee in accordance with the <a href="#">Committee’s Terms of Reference</a>. The Finance and Infrastructure Committee reports to Council on the discharge of the functions assigned to the Committee.</b>		
Alienate, mortgage, charge or demise any lands of the University, excluding a demise of land for a period of less than 21 years	<a href="#">UNE Act</a> s.18(2) Minister’s approval if required	

Lease land for a term exceeding 21 years	<a href="#">UNE Act</a> s.18(3) Minister’s approval if required
Lease land to a residential college affiliated with the University for a term not exceeding 99 years	<a href="#">UNE Act</a> s18(4) Minister’s approval if required
Oversee the control and management of certain property vested in the Crown	<a href="#">UNE Act</a> s.19 Minister’s approval if required
Approve building and room names	In accordance with policy
Approve new buildings and other major capital works on and off campus	<a href="#">Terms of Reference (Council Approved) – Finance and Infrastructure Committee</a>
Approve Master Plan	
Oversee implementation of Master Plan	
Oversee environmental management of the campus and other University properties	
<b>Financial Matters</b>	
<b>While retaining authority over these matters, Council delegates the specific functions below to the Finance and Infrastructure Committee in accordance with the <a href="#">Committee’s Terms of Reference</a>. The Finance and Infrastructure Committee reports to Council on the discharge of the functions assigned to the Committee.</b>	
Set policies on borrowing and investing, and borrow and invest money	<a href="#">UNE Act</a> s.16(1)(d) and (e)
Promote, establish or participate in (whether by means of debt, equity, contribution of assets or by other means) partnerships, trusts, companies and other incorporated bodies, or joint ventures (whether or not incorporated)	<a href="#">UNE Act</a> s.16(1)(f)
Approve the University's Annual Budget and ensure consistency with the <a href="#">Strategic Plan</a>	<a href="#">Terms of Reference (Council Approved) – Finance and Infrastructure Committee</a>
Approve three year rolling budgets	
Oversee University's financial performance against budget targets	
Oversee development, review and implementation of financial policies and delegations	
Oversee University's insurances	
Authorise certification of the University's annual financial statement and the certificate of compliance for the Annual Report	<a href="#">UNE Act</a> s.21C and s.21D
Approve <a href="#">Commercial Activities Rule</a>	
<b>Audit and Risk Matters</b>	
<b>While retaining authority over these matters, Council delegates the specific functions below to the Audit and Risk Committee in accordance with the <a href="#">Committee’s Terms of Reference and Charter</a>. The Audit and Risk Committee reports to Council on the discharge of the functions assigned to the Committee.</b>	
Compliance of the University and related entities to laws and regulations, including those relating to audit, the environment, employment practice and anti-discrimination	<a href="#">Terms of Reference (Council Approved) and Charter Audit and Risk Committee</a>
Audit plans of internal and external auditors	
Rules and policies of the University relating to audit and risk	
University's programs, rule and policies for detection and control of fraud, corruption and other illegal acts	
Oversee risk management and risk assessment across the University	<a href="#">UNE Act</a> s.16 (1B)(e) <a href="#">Terms of Reference (Council Approved) and Charter Audit and Risk Committee</a>

Approve and monitor systems of control and accountability for the University	<a href="#">UNE Act</a> s.16(1B)(f)
Maintain a Register of the University's Commercial Activities and report to the Minister on request	<a href="#">UNE Act</a> s.21C and s.21D
Oversee activities of Controlled Entities, to ensure activities are authorised by the Act	<a href="#">UNE Act</a> s.16A
Ensure that the governing bodies of controlled entities meet certain requirements and that a reporting schedule is established for this purpose	<a href="#">UNE Act</a> s.16A(5A)

## Part D - Authority and compliance

(11) The [University of New England Act 1993 \(UNE Act\)](#) establishes the Council and its authority to undertake the functions of the University.

(12) The Council may exercise any function or authority of the University, regardless of whether it has been delegated.

(13) The delegation of the functions of the University and the making of rules or policies is provided for in the [UNE Act](#) and [University of New England By-law 2005 \(NSW\) \(UNE By-Law\)](#). By virtue of section 17 of the [UNE Act](#), the Council may:

- a. delegate all or any of its functions (other than the authority to delegate) to
  - i. a member or committee of the Council;
  - ii. to any authority or officer of the University or any other person or body prescribed by the [UNE By-law](#).
- b. make rules, so long as they are not inconsistent with the [UNE Act](#) or [UNE By-law](#) or excluded by section 29 of the [UNE Act](#) [Clause 25 (a) of the [UNE By-law](#)];
- c. consent to the VC&CEO making rules about any subject matter for or with respect to which the Council may make rules.

(14) The [UNE Delegations Framework Rule](#) reflects the University's organisational structure, the flow of supervisory responsibilities and approval pathways.

(15) The [UNE Delegations Framework Rule](#) records the assignment by Council of its functions and activities to members or committees of Council or to authorities or officers of the University including the VC&CEO.

(16) This Rule and associated Delegations Schedules are made by the Council, under the authority of Section 29 the [UNE Act](#).

(17) UNE Representatives must observe this Rule in relation to University matters.

(18) This Rule operates as and from the Effective Date.

(19) Previous rules and policies relating to UNE delegations are replaced and have no further operation from the Effective Date of this new Rule.

# Section 2 - Definitions

## Types of Bodies

(20) Governing body: References to a governing body at UNE include references to the Council (or its Committees) or the Academic Board (or its committees) are identified within the [UNE Act](#), and whose members have specific duties on behalf of the institution.

- a. The peak governance body is the Council which has overarching responsibility for corporate and academic governance;
- b. The peak academic body, with responsibility for academic governance and advising Council and the Vice-Chancellor and Chief Executive Officer on academic matters, at UNE is the Academic Board.

Note: UNE Controlled Entities may also have a governance body or board.

(21) Committee: At UNE, a 'committee' is a group of officers authorised by Council or the VC&CEO, or a Senior Executive, to undertake specific functions on behalf of the University, where:

- a. the scope of the committee's delegation, members, functions, processes of appointment, secretary and operations have been defined and made available in a Council or VC&CEO approved 'Terms of Reference' and accessible via the UNE policies website (may require staff login);
- b. provision has been made for recordkeeping including minute taking for the committee, to meet the mandatory requirements that all UNE committees keep records of their activities, papers and minutes consistent with the [State Records Act 1998](#);
- c. for clarity, it is noted that:
  - i. a group will not have authority or recognition at UNE as a 'committee' without approved terms of reference and provision for recordkeeping;
  - ii. Course Advisory Boards/Review Boards and Panels, Project Steering Committees etc will generally have the status of a committee and be subject to the requirements of a committee;
  - iii. a 'governance committee' will generally be focused on monitoring performance and compliance, plans, strategies and frameworks, rather than operational matters;
  - iv. a 'management committee' will generally be involved reviewing operational, tactical or project proposals and information related to operations. As identified in Protocol 3
    - a management committee will typically be established to support and provide advice (endorsements, recommendations, suggested actions) to the Executive (or Chair) who retains authority and accountability for a decision; and
  - v. a 'sub-committee' is a committee which reports to another committee. A sub-committee must adhere to the requirements of the committee (approved terms of reference/recordkeeping). A sub-committee must also provide a formal report to the higher Committee following each meeting.

## Status and Details

Status	Current
Effective Date	10th October 2022
Review Date	10th October 2024
Approval Authority	Director Governance and University Secretary
Approval Date	30th September 2022
Expiry Date	To Be Advised
Unit Head	Kate McNarn Director Governance and University Secretary
Enquiries Contact	Alicia Zikan Head Records Policy and Governance +61267735190 <hr/> Policies Team

## Glossary Terms and Definitions

**"UNE Representative"** - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

**"Senior Executive"** - Means the Vice-Chancellor, Deputy Vice-Chancellor, Deputy Vice-Chancellor Research, Chief Financial Officer, and Chief Operating Officer.

**"Conflicts of Interest"** - A UNE Representative will have a conflict of interest where they have a material interest in a decision or matter, and/or their interest appears to raise a conflict with the proper performance of their duties (e.g. avoiding personal losses as well as gaining personal advantage — whether financial or otherwise).

**"Risk Management"** - Means coordinated activities to direct and control an organisation with regard to its management of corporate risk.

**"Fraud"** - Means an intentional act by one or more individuals involving the use of deception to obtain an unjust or illegal advantage.

**"Record"** - Records are a part of and result from business activities and provide evidence of those activities. Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means (State Records Act 1998 (NSW)). Records may include, but are not limited to, any staff member's paper based records, emails, or electronic documents stored at UNE or on UNE equipment. A record does not include personal and/or private documents that are not part of official UNE business records.

**"Quality Assurance"** - Is the ongoing, internal process of assessing a university's outcomes against its aims.

**"Unit"** - Is a part of a course with a code, title and credit point value for which a result is recorded on a student's academic record.

**"Residential College"** - Includes any on-campus residential accommodation. This includes separate accommodation facilities associated with a college, such as on-campus houses and/or flats that are used by residents, affiliates and

Students as well as the buildings, blocks, floors, courts, grounds and parking areas associated with these buildings.

**"School"** - Is an organisational unit comprising academic staff in related fields of study who are responsible for teaching and research in those academic fields together with support staff. Each School also has lead management for the design and delivery of the courses within its responsibility.

**"Academic Governance"** - Means the framework of policies, structures, relationships, systems and processes that collectively provide leadership to and oversight of the University's academic activities (teaching, learning and scholarship, and research and research training) at an institutional level.

**"Commercial Activity"** - A commercial activity is any activity engaged in, by, or on behalf of the University in the exercise of commercial functions of the University; and any other activity comprising the promotion of, establishment of, or participation in any partnership, trust, company, or other incorporated bodies, or joint venture, by or on behalf of the University, that is for the time being declared to be a commercial activity. Examples of a commercial activity include: being a member or holding securities of another legal entity; holding academic partnerships and collaborations with other organisations; articulation and pathway arrangements with other organisations; research commercialisation (with the exception of research conducted for the University by a member of the University's academic staff); leases and other occupancy agreements (with the exception of study centre premises); and, legal agreements with another party, excluding Students, under which the University agrees to provide goods or services. The following activities are not considered to be commercial activities: the delivery by University staff of the University's academic programs to its Students; and, the Joint Medical Program delivered by the School of Rural Medicine and the University of Newcastle.

**"Effective Date"** - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

**"Faculty"** - An organisational unit consisting of a group of related Schools, which is responsible for coordinating the management and quality of the teaching and research conducted by those Schools.

**"Senior Management"** - Means staff at Dean/Director level and above

**"Approval"** - A statement to indicate the official acceptance of a proposal, recommendation, or other matter. It is a function of the role/committee with delegated authority to do so.